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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 30 November 2006 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to submit herewith the Portuguese national report on the implementation of the above-referenced resolution (see annex).

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Annex to the note verbale dated 30 November 2006 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
DIRECÇÃO-GERAL DOS ASSUNTOS MULTILATERAIS

Report on the implementation of the UNSC Res.1718 by

Portugal

In accordance with paragraph 11 of the UNSC Res. 1718, and in complement to the report submitted by the EU Presidency on this matter, Portugal would like to inform the Security Council about the measures adopted at a national level with the view to implement the sanctions imposed to the Democratic People's Republic of North Korea (DPRK), as a result of the nuclear test it carried out last month.

1. The UNSC Res. 1718 was circulated, along with its respective instructions of implementation, to all governmental departments which are instrumental to its comprehensive national application, as well as too other national entities considered relevant, such as the banking system, the national civil aviation authority, national airlines, the sea traffic authority and the association of commercial ship-owners.

2. Portugal did not supply, sell or transferred any military equipments or goods to the Democratic People's Republic of North Korea. The Portuguese legislation and procedures in force do not allow, at the current time, transactions of that type to DPRK. Furthermore, there are no records of export licensing requests of such transactions in the past, having, as a final destination, the DPRK.

3. To cope with obligations such has the ones emerging from §8(a) (i) and (ii); 8(b) and (c), Portugal has set forth legislative measures[1], which implement, at a national level the guidelines and the item lists of several export control regimes, such as the Missile Technology Control Regime (MTCR), the Wassenaar Arrangement (WA) and others. The item lists S/2006/814 and S/2006/816 elaborated by the UNSC have also been dully taken into account.

4. Portugal did not transfer, direct or indirectly, any of the non-military items set forth in §8 of the UNSC Res. 1718, as no authorization licenses regarding the DPRK were issued by the Portuguese customs since the adoption of the Res. 1718.

[1] Decreto-Lei n.º 371/80 of 11th of September; Decreto-Lei n.º 1/86, of the 2nd of January; Decreto-Lei n.º 436/91, of 8th of November; Portaria n.º 439/94 of 29th of June and Decreto-Lei n.º 297/98, of 17 of December.

5. As to what concerns dual-use goods and technologies, Portugal applies the norms of EC Regulation n.º 1334/2000 of 22nd of June and EC Regulation n.º 394/2006 of 27th of February according to which all transfers of such items are subject to a preliminary licensing procedure. This procedure is also applicable to the DPRK. Any infractions to the licensing procedures are sanctioned through Decreto-Lei n.º 436/91 of 8th of November.

6. In what concerns §8 (a) (iii), there were no luxury goods exports from Portugal to the DPRK and no requests to that purpose have been made to the Portuguese customs authorities.

7. No transfer to the DPRK of technical advice, services or assistance related to the items listed in §8 (a) (i) and (ii) has been authorized.

8. Portuguese customs authorities are presently elaborating rules of procedure concerning the enactment of UNSC Res. 1718 and the strengthening of border controls.

9. According to available information, there are no North-Korean-owned funds, financial assets or economic resources kept within Portuguese territory or in any Portuguese financial institution.

10. Portugal does not possess any consular representation within the DPRK's territory. In that sense, in the period under analysis, no entry visas were issued to North-Korean nationals.

11. Regarding intelligence services, for a long time, the proliferation of WMD by countries of concern, including the Democratic People's Republic of Korea (DPRK), has been a priority of the Security Intelligence Service (SIS). In order to maintain a permanent, systematic and structured monitoring of the matter at hand, in 1998 SIS created a counter proliferation programme, aimed at promoting cooperation and interaction between the various national entities responsible for counter proliferation in our country.

This programme is based on four main objectives:

1. To support the control of exports and the transfers of technology
2. To detect clandestine procurement networks acting in our country
3. To control citizens of the risk countries with access to national investigation centres.
4. To combat contraband activities and radioactive material

In this context, obligations set forth under UNSC Res. 1718 are duly taken into account by SIS.

12. Other measures of trans-national extent, mainly adopted and carried out at a European Union and international level, – such has customs cooperation, information-sharing and intelligence activities (namely those carried out under the aegis of the Proliferation Security Initiative) – are being put forward to enhance the effectiveness of the sanctions applied to the DPRK. The Portuguese authorities will remain seized on this matter and inform the UNSC of any further developments on this issue.